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Search

About DOCNewsFacilitiesContact DOC

Select



- In the News
- News Releases and Other Information

Statement before the  
**New York City Council**

**Committee on Fire and Criminal Justice Services**

Elizabeth Crowley, Chairperson

By Joseph Ponte, Commissioner

**NYC Department of Correction**

March 10, 2016

Good morning, Chair Crowley and members of the Fire and Criminal Justice Services committee. I am Joseph Ponte, Commissioner of the New York City Department of Correction. I thank the Council for the opportunity to testify here today and for their continued support as we work to ensure the safety of our staff and those entrusted to our care.

# **The 14-Point Anti-Violence Reform Agenda**

Since we last spoke, the Department has been continuing our rapid pace of reform. We have been implementing our 14-point Anti-Violence Reform Agenda, which I spoke to you about last year. The agenda focuses on reducing violence by improving security policies, upgrading our infrastructure and systems, and fostering cultural change, included through expanded training and programming. We have instituted Department-wide changes that we believe will improve inmate and staff satisfaction and safety. We have improved our processes for recruiting and vetting staff to ensure that we have a capable and well-qualified pool of recruits for our Academy. We have improved our data assessment and analysis to target hot spots – specific housing areas where violence is flaring up. We have also created the Housing Unit Builder (HUB) to better classify and house inmates to ensure that we are providing appropriate housing, staffing and programming to inmates who pose various levels of risk of violence. We are committed to this comprehensive strategy and expanding our reforms that we have piloted with specific populations or in specific housing units department-wide.

Today I'd like to highlight the progress we have made on the core elements of our Anti-Violence Plan.

## **Reforms Targeting Special Populations**

We have made significant progress on this ambitious agenda, especially in implementing reforms for some of our most difficult and vulnerable populations — namely the seriously mentally ill, adolescents, and young adults.

For the seriously mentally ill, we created and then expanded therapeutic units, Clinical Alternative to Punitive Segregation (CAPS) and Program for Accelerated Clinical Effectiveness (PACE), which serve as national models for dealing with their unique challenges. These units operate as clinical settings, with correction officers and health staff on the units together during the day. The units are designed around tight collaboration

between clinical staff and uniformed staff with improved strategies for dealing with the behavioral issues triggered by mental illness. Violence on these units have been extraordinarily low since they opened and we are excited to be able to expand this model to get better treatment to more inmates.

For 16 and 17 year olds, we have lowered housing area censuses and increased staffing ratios, eliminated punitive segregation, created non-punitive, therapeutic alternatives for managing their behavior, and expanded programming. Expansions include new indoor recreation spaces and innovative programs, such as the Rikers Rovers program.

For the 18 to 21 year olds in our custody, we are in the process of creating an age-appropriate facility that addresses the unique developmental needs and safety challenges associated with the transition from adolescence to adulthood. In this newly dedicated facility, we will provide developmentally-appropriate programming and management to this population. The Nunez/DOJ consent judgment only requires DOC to modify staffing (increase staffing ratios, assign more steady officers, provide specific training) in areas with the 16 to 18 year old population. Because these reforms will help us to safely address the needs of young adults, however, we have elected to expand these reforms to all 1,100 young adults in our custody.

Also as part of our Young Adult Plan, we are phasing out the use of punitive segregation with 18 to 21 year olds – making us the first jail in the nation to do so. Punitive segregation is being replaced with a continuum of alternative disciplinary sanctions for infractions. The first of these alternative areas, our Second Chance housing, has already been opened. In addition to disciplinary sanctions, positive behavior will be formally incentivized through additional programming, vocational training, enhanced visits and recreation time. This will apply to both individual behavior and whole housing areas. This is particularly important because young adults represent our most violent population; they are 10% of our daily population but are involved in more than 30% of our violent incidents. We are implementing a holistic approach to behavior management, which better serves the inmates and our officers by introducing measures designed to reduce incidents of violence.

## **Punitive Segregation Reforms**

Let me take a moment to expand on our broader punitive segregation reforms. We have fundamentally transformed the use of punitive segregation within the Department. When I first started we had close to 600 people in punitive segregation, and we had hundreds of inmates who owed thousands of days. We

have reduced the use of punitive segregation by roughly 70% and now have 180 individuals in punitive segregation. We expect this number to come down even further as we eliminate punitive segregation for 18 to 21 year olds, as I discussed earlier.

With few exceptions, we have capped the maximum sentence to thirty days and have set length of stay limits. Adolescents no longer serve punitive segregation. We have eliminated time owed from previous incarcerations and we have introduced a lower level of punitive segregation that provides for seven hours of out of cell time each day. We are more judiciously using punitive segregation and introducing more incentive-based models.

## **Expanded Camera Coverage**

We have also made tremendous strides in expanding camera coverage. Currently, we have 100% camera coverage in our adolescent facility, our young adult facility, and our model facility that I will describe in more detail later on. We initially focused on installing cameras in the facilities where we house some of our most difficult to manage populations. We are now working on expanding camera coverage to all of our facilities and our goal is to complete this work by the end of December.

## **Safely Reducing Uses of Force**

A key focus of cultural reform has been around changing the way that the Department approaches the use of force. We have revised our Use of Force (UOF) policy and will be training all current and incoming staff on the new policy. New reporting, tracking, monitoring, and components of the early warning system are being put in place now. We have also doubled staffing in both our Investigation Division (ID) and our Trials and Litigation unit,

created a new recruitment process for ID, and are putting investigators in the facilities. All of these changes will enhance Use of Force monitoring and ensure compliance.

All of these changes to how we approach the use of force, as well as many of the other reforms under the 14-Point Anti-Violence plan are also reflected in the Nunez/DOJ consent judgment. This is not surprising given that both were developed after an extensive review of the challenges facing the Department with respect to violence. More importantly, this overlap has allowed the Department to begin its work with the federal monitor in a proactive and productive manner, with many of the pieces of the consent judgment already underway.

## Expanded Training & Recruiting

We are not just expanding Use of Force training but also dramatically increasing other types of in-service training for current staff. Over the next few years, staff will receive the following in-service training:

- Crisis Intervention and Conflict Resolution,
- Defensive Tactics
- Direct Supervision and Safe Crisis Management for those working with adolescents and young adults
- Probe Team Tactics for those working in intake area
- Cell Extraction
- Crisis Intervention Training; and,
- Additional specific trainings for those working with special populations, such as mental observation areas and high custody adolescent and young adult areas

Recruitment has also been a top priority since I came to the department, not only to ensure safe coverage of our jails, but to also reduce overtime with new, qualified officers. We have improved our vetting process by more than doubling the number of staff in the Applicant Investigation Unit (AIU). We raised our vetting standards to match NYPD's standards. Due to years of neglect, we have developed a large officer deficit and rely heavily on overtime. This is especially true when serving our specialty populations. To address this, we have heightened recruitment. Approximately 1,000 new officers have graduated since the last time I saw you. We aim to have roughly 600 recruits from this next graduating class, and will be focusing on graduating over 600 from the class after that, breaking the class size records we set last year.

We do face some operational hurdles as we increase the amount of training AND increase the number of recruits we bring in to the Department. Our academy was never designed to support such large recruit classes while also offering expanded in-service training. Increased training imposes significant operational demands since, in addition to space, we must bring on the appropriate trainers, resources, and materials in a timely manner. Furthermore, safely pulling out staff from facilities to participate in training impacts overtime. Through careful planning, we are working on minimizing the impact of having staff out for training on those officers who remain working in our jails. We are also working with our agency partners and City Hall to identify suitable spaces to accommodate our Academy and expanded training needs.

## **Improving Programming and Housing**

We are actively seeking to increase available programming for each inmate, with a goal of offering five hours of available programming each day. Increasing programming serves two important functions: it reduces violence by reducing idle time, and it better prepares inmates to return to the community, so that they do not come back to our custody.

We have expanded the school day for adolescents in RNDC. We have opened program-driven housing areas for young adults in GMDC. We are putting full-time program



coordinators in adolescent and young adult housing units to assess inmates' needs and help them build skills in preparation for reentry into society.

We are also developing programming options for adults. We are specifically looking at programming around re-entry services, substance abuse, behavioral health, services for incarcerated veterans, and female gender responsive programming. We have established a more robust process for evaluating programming needs and have started implementing that process within the young adult population. We will be implementing a similar procedure for adults. Each inmate will be interviewed for programming interests as part of the new admission process and these preferences are factors the HUB considers in making housing determinations, so that we can build programming-focused housing units, similar to the young adult houses.

## **Working with Our Partners: Healthcare and PREA Compliance**

As I have discussed, DOC has made significant investments in new training, policies, housing and programming that are all geared towards lowering violence, and keeping our officers and inmates safe. There are a number of areas where we must continue to devote significant resources and collaborate with key partners to maximize the returns on our investment in violence reduction.

### **Healthcare Services**

We are working very closely with our partners at New York City Health + Hospitals to better support and manage those in our custody. As everyone knows, the City ended its contract with Corizon in December 2015. New York City Health + Hospitals is now the manager and provider of correctional health services.

New York City Health + Hospitals has been an essential partner as we develop alternatives to punitive segregation and more targeted programming. The best example of this partnership has been our joint expansion of the clinical models to ensure better care for inmates with severe mental illness. The Clinical Alternative to Punitive Segregation (CAPS) and the Program for Accelerated Clinical Effectiveness (PACE) are specialized units that

focus on managing and treating these inmates. As I mentioned earlier, these units have had low rates of violence and injury.

There has been a significant increase in coordination between DOC and Correctional Health Services since New York City Health + Hospitals became the provider. We continue to work closely with New

York City Health + Hospitals to find ways to expand our coordination in order to improve the correctional health model.

## **PREA**

As part of our efforts to voluntarily bring our Department in compliance with the federal Prison Rape Elimination Act (PREA), we have been working with our federally-funded consultants, the MOSS Group. Since we last met, at the recommendation of the MOSS Group, we completed training of uniformed staff to serve as PREA compliance managers for all of our facilities. We will begin facility-wide training in mid-March throughout three of our facilities, including our female facility, the Rose M. Singer Complex.

## **Officer Safety**

We believe that the combined impact of all our reforms will lower violence, and keep our officers and inmates safe. We must invest in our officers, who are central to all of the work that we do. That investment goes beyond expanding training or improving facilities. It includes recourse against those inmates who assault officers and isolating those inmates who consistently assault and harm other inmates by bringing contraband and weapons into the jails. There were 1,100 inmate arrests last year. Those represent inmate arrests for possession of weapons and other contraband, inmate on inmate assaults, and assaults on our staff. We have been working collaboratively with the new Bronx DA to identify ways to more efficiently handle and process re-arrests so that we can have swift and certain punishment for those who commit acts of violence. We have a tough jail population with a



high percentage of gang members in our facilities, so we are working with the Bronx DA and the NYPD to better identify and share information about those gangs, connecting all agencies' knowledge to make everyone safer.

## **The Future of the 14-Point Plan: Expanding on DOC's "Model Facility"**

As I close, I want to highlight one facility where we have concentrated our attention and rolled out our 14-point agenda – the George R. Vierno Center (GRVC). This serves as our “model facility.” Some of our reforms, such as camera installation and improved front-gate security, have been implemented in all of our jails. In GRVC, we have made infrastructure changes to housing areas, rehoused inmates using the HUB, dramatically increased available programming, steadied and increased staff, and revamped incident responses. These changes will eventually be rolled out department-wide.

Since standing up the model facility in September, ten housing units have been “re-started” with an average daily population of 350-375 inmates. Within those “re-start” units, there has only been one “A” use of force and only twenty-five incidents overall, during a time period when, in the past, there might have been more than ninety with the same number of inmates.

Ultimately, the most important component of these changes is that officers are empowered to take control of their houses by using basic correctional practices and engaging with inmates on a daily basis. This is the combination of policy, resources, and support that will ultimately change the culture throughout this Department. I look forward to reporting more on these advances and successes in the future.

I now turn the floor over to Frank Doka, our Deputy Commissioner of Financial, Facility, and Fleet Administration, to discuss the FY17 Preliminary Budget.

## Financial and Facility Section

Good Morning, thank you for the opportunity to report on the Department's FY17 Preliminary Expense and Capital Budgets.

## FY17 Preliminary Budget and Its Impact on DOC (January Plan)

The Department's Fiscal Year 2017 Expense Budget is \$1.31 billion. The vast majority of this, 87%, is allocated for Personal Services, and 13% for Other than Personal Services. The Fiscal Year 2017 budget is \$7.7 million less than this year's budget of \$1.32 billion. This decrease is mainly due to initiatives and grant funding allocated to the current fiscal year only.

Included in the Preliminary Budget is, an additional \$65.3 million in Fiscal Year 2016, \$107.8 million in Fiscal Year 2017, \$98.7 million in Fiscal Year 2018 and \$94 million beginning in Fiscal Year 2019.

The following are some highlights of the major programs that were funded:

- DOJ/Nunez Settlement –\$39 million in FY16, \$58.3 million in FY17, \$53.2 million in FY18 and

\$48.5 million beginning in FY19 was provided for an additional 298 uniformed and 131 civilian positions and associated OTPS items, to facilitate the Department achieving compliance with the terms outlined in the DOJ/Nunez agreement. Various commands within the Department require additional support as a result of the agreement, due to substantial use-of-force tracking and reporting requirements; use of force investigation protocols; improved applicant investigation measures to ensure the Department recruits the most qualified Correction Officer candidates; enhanced staff screening for post assignments to specialized housing units; supervision of the inmate population between the ages of 16 through 19; and an expanded training

curriculum in areas such as use-of-force policy, crisis intervention/conflict resolution and defensive tactics.

- 14 Point Plan Reform Agenda - \$20.9 million in FY16, \$41.3 million in FY17 and \$37.3 million beginning in FY18 was provided for an additional 218 uniformed and 101 civilian positions and associated OTPS items to continue the Department's efforts to decrease violence and eliminate contraband entering in our facilities. The funding provided in this financial plan will continue to help with work already begun for establishing comprehensive security camera coverage, creating an integrated classification and housing strategy, idleness reduction among our adult inmate population, keeping weapons and drugs out of Rikers, and staff training.
  
- 2015 City Council Reporting Bills - \$1.2 million in FY16 and \$800,000 beginning in FY17 was provided for 4 uniformed and 4 civilian positions as well as funding for IT application development to comply with data reporting on Enhanced Supervision Housing units, inmates who await housing placement into RHU and CAPS, creation of the inmate bill of rights and quarterly reporting of inmate population demographics.
  
- PREA Compliance –\$255,000 in FY16 and \$1 million beginning in FY17 was provided for 12 civilian positions needed as the Department actively moves forward to achieve federal PREA compliance. In addition to receiving two federal grants over the past three years, which funded the sexual safety assessment of our facilities and development of training curriculum for our staff, the Department began hiring compliance managers to work directly with the staff in our facilities in order to meet mandated PREA compliance throughout the agency.
  
- Arrest Unit – approximately \$800,000 beginning in FY16 was provided for 7 uniformed and 2 civilian positions and associated OTPS items to work in conjunction with the Bronx District Attorney's office for the arrest and swift prosecution of inmates found to have committed either inmate-on-staff or inmate-on-inmate violent offenses within our facilities.

- Rikers Island Co-Generation Plant Maintenance and Support Contracts - \$1.8 million in FY16 and \$3.7 million beginning in FY17 to fund service and maintenance contracts for the solar turbines, compressors and control systems within the plant.
- Engineering Audit and Stormwater Water Compliance – approximately \$500,000 beginning in FY17 was provided to fund 5 Civilian positions that satisfy recommendations in the Comptroller's April 2015 audit report of DOC's Engineering Audit Office's Compliance with Directive #7, as well as to meet requirements under the State's Small Municipal Stormwater Sewer Systems (MS4) permit.

## Capital Funding

With regard to capital funding, the Fiscal Year 2017 Preliminary Capital Budget and Commitment Plan totals \$1.7 billion, which covers Fiscal Years 2016 through 2020. Between the September and January capital commitment plans, more than \$200 million was allocated for critical infrastructure upgrades of

Rikers Island facilities, information technology enhancements, and replacement of equipment past its lifecycle.

Additional funding provided by OMB includes:

- \$68 million for facades, windows, roofs and other structural improvements
- \$67 million for air handling units, duct work, heating, cooling and ventilation equipment

- \$34 million for fire safety
- \$20 million for classroom and programmatic space for our young adult, adult inmate and high classification populations
- \$8 million for the replacement and repair of gang cell release doors at RNDC, and

\$7.7 million for IT and telecommunications equipment, radio console replacement at the Transportation Division, asbestos abatement and shower reconstruction

Thanks to the Administration's capital investments since the FY16 Executive Budget, the Department is moving forward with the necessary infrastructure modifications needed at both our on-island and off- island facilities. Our facilities must be brought up to a state of good repair to ensure the utmost safety of our staff and inmate population. Additionally, as we reach our compliance goals of having operational fire alarm systems (Phase I) in all facilities, we can now move forward with designing and implementing Fire Life Safety Phase II. Work for Fire Life Safety Phase II will include installation of sprinklers, construction of separation barriers to limit the spread of fire and smoke and upgrade all related systems associated with fire-protection work at our facilities.

Along with the state of good repair projects, a number of initiatives included as part of the Department's 14-Point Anti-Violence Reform Agenda are underway. The designs for all IP camera installations are complete, and contracted construction work at two of our facilities began last month with another three facilities to follow this month. Our internal facility maintenance forces continues to install cameras at six other facilities. The plan is to have all camera installation for these facilities completed by the end of December 2016.

As part of our redesign for the Emergency Services Unit, the design phase for the new K-9 facility, which will be able to house up to 80 canines in a state-of-the-art compound, has been initiated, construction is expected to commence in September 2016 and be completed the following year.

To further our commitment to keeping dangerous contraband out of our facilities, procurement is almost complete on the purchase of 16 dual-view x-ray machines for the front entrances of our facilities. The

technology of these new machines will allow our front-gate officers to better screen, view and detect hidden contraband being brought into our facilities. .

## Headcount

The following is a summary of the changes to Department's civilian and uniformed authorized staffing levels included in the January Plan:

- The full-time civilian authorized headcount increased by 256 positions in FY16 and 255 beginning in FY17. The decrease of one funded position is related to grant funding that is added to the Department's budget on an annual basis. The number of authorized full-time civilian positions is 2,145 in FY16 and 2,144 in FY17.
- The uniformed authorized headcount is increased by 542 positions to 10,195 for FY16, and further increases by another 25 positions to 10,220 beginning in FY17. The average uniformed headcount is estimated to be 9,243 in FY16, which represents an increase of 447 compared to an average of 8,796 in FY 2015.
- The FY16 2<sup>nd</sup> Quarter Civilianization Report provided to the City Council identified 98 uniformed staff working in civilian functions. The Department is committed to bringing that number down by backfilling previously funded vacated civilianized positions. Additionally, the Department will continue working to identify additional positions that could be civilianized and address funding requirements with OMB at the appropriate time.



Thank you again for the opportunity to testify today and for your continued support. The Commissioner and I are happy to answer any questions that you may have.

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